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August 13, 2015

VIA ECF

Hon. Cathy L. Waldor, U.S.M.J.
United States District Court
District of New Jersey
Dr. Martin Luther King, Jr. Fed. Bldg. &
U.S. Courthouse
50 Walnut Street
P.O. Box 999
Newark, New Jersey 07101-0999

Re: *T.J. McDermott Transportation Co., Inc. v. Cummins, Inc., et al.*
Civil Action No.: 14-cv-4209

Dear Judge Waldor:

This firm, together with the law firm of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C., represent Plaintiff, T.J. McDermott Transportation Co., Inc. ("Plaintiff"), in the matter referenced above. By way of brief background, on July 16, 2015, the parties appeared by telephone for an initial Rule 16 Conference. During that conference, Plaintiff reiterated its intention to pursue class treatment and to convert the case into a class action. To do so, Plaintiff indicated that it would need at least thirty days – until August 17 – to prepare an amended class complaint, which it agreed to circulate to Defendants for their consideration to consent to its filing. Because Plaintiff is still in the process of preparing the proposed amended class complaint, Plaintiff and Defendants have met, conferred and agreed to revise the aforementioned schedule such that, by August 31, 2015, Plaintiff will provide Defendants with the proposed amended class complaint for their consideration to consent to its filing. In accordance with Rule 15(a)(2), if Defendants do not consent to the filing of Plaintiff's proposed amended class complaint by September 14, 2015, then Plaintiff will file a motion for leave to file the amended pleading on that same day.

As previously noted, the parties have met and conferred, and agree with the aforementioned proposed schedule. The parties therefore respectfully request that Your Honor grant the parties' request, and enter the schedule by "so ordering" this letter.

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If Your Honor would like to further discuss this matter, then we shall make ourselves available at the Court's convenience. Thank you.

Respectfully submitted,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

By: /S/ JAMES M. MULVANEY
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cc: James E. Cecchi, Esq. (via ECF)
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